

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Hy-Ko Products Company,)	
)	CASE NO. 5:07 CV 3729
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
The Hillman Group, Inc.,)	
)	
Defendant.)	
)	

Plaintiff filed this declaratory judgment action in response to a patent infringement suit filed by defendant The Hillman Group in the United States District Court for the District of Arizona (District of Arizona Case No. 2:07 CV 2446). The Arizona case remains pending. Both actions center around U.S. Patent No. 7,114,894, which relates to a key cutting machine, and involve the same facts and parties.

The Court granted defendant Hillman Group's motion to stay proceedings pending a ruling by the United States District Court for the District of Arizona on Hy-Ko's jurisdictional challenge in the Arizona Court (Docket No. 9). This Court directed counsel to file joint status reports regarding the status of the Arizona case, and the most recent report indicates that Hy-Ko's motion to dismiss for lack of personal jurisdiction remains pending in the Arizona court (Document 12).

28 U.S.C. § 1404(a) provides that a district court may transfer any civil action to another district or division where it might have been brought for the convenience of the parties and in the

(5:07 CV 3729)

interest of justice. The Arizona case was filed before this case. The facts and the parties are the same and both actions revolve around Patent No. 7,114,894. The principal place of business of the plaintiff in the Arizona case (the defendant in this case) is Tempe Arizona.¹ After considering these factors and issues of judicial economy, the Court concludes that this case should be transferred to United States District Court for the District of Arizona. In so doing, the Court expresses no opinion whether this case should be consolidated with District of Arizona Case No. 2:07 CV 2446.

For the reasons set forth herein, the Clerk is directed to transfer this case to the United States District Court for the District Court of Arizona.

IT IS SO ORDERED.

May 6, 2008
Date

S/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge

¹ See Docket No. 1, Exhibit F.